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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,908	01/25/2002	Motonori Sano	03560.002989	4801

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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,908

Applicant(s)

SANO, MOTONORI

Examiner

Barry W Taylor

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8, 11-14, 18-19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Balaz (6,427,008).

Regarding claims 1, 11, and 13. Balaz teaches a method of providing an additional service (see additional service is teleconference in title and abstract, col. 6, col. 7 lines 30-37 and col. 8 lines 12-17) to a user of a communication company's communication service, the method comprising providing an additional service (i.e. teleconference service) to the user who receives a call through the communication service of the communication company, in accordance with a communication time (see col. 6, col. 7 lines 30-37 and col. 8 lines 12-17 wherein reduce rate given to participants of teleconference and teleconference charges are based on length of time for participants not having same specified origin). In other words, Balaz teaches teleconference (i.e. additional service) provided in accordance with communication time and the amount of communication. See column 6 wherein call duration (i.e. amount of communication) is multiplied by reduced rate and columns 7-8 reveal that if participants

not qualified for reduced rate are charged based on length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

Regarding claims 2, 14, 18 and 22. Balaz teaches participants of teleconference receive reduced rate (see reduced rate abstract, see reduced rate 62 and 66 figure 2, see reduced rate S408 and S410 figure 4, see reduced rate col. 2 lines 1-38, see column 6 wherein call duration is multiplied by per unit time charge (i.e. reduced rate) and if participants do not qualified for reduced rate then multiply call duration by regular rate, columns 7-8). Balaz also discloses that charges for teleconference may be reduced to nil (col. 6 line 36).

Regarding claims 3 and 19. Balaz teaches teleconference (i.e. additional service) provided in accordance with communication time and the amount of communication. See column 6 wherein call duration (i.e. amount of communication) is multiplied by reduced rate and columns 7-8 reveal that if participants not qualified for reduced rate are charged based on length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

Regarding claim 4. Balaz teaches the communication company provides the additional service (i.e. teleconference) in accordance with the length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

Regarding claim 5. Balaz teaches wherein communication company provides the additional service (i.e. teleconference) in accordance with a communication time for which a calling party uses the communication services of the communication company

(see column 6 wherein reduced rate given to subscribers qualified for reduced rate) and a communication time for which the calling party does not use the communication services of the communication company (see columns 6-8 wherein participants not using the communication service are charged at regular rate based on length of time).

Regarding claim 6. Balaz teaches wherein communication company provides the additional service (i.e. teleconference) in accordance with a communication time for which a calling party uses the communication services of the communication company (see column 6 wherein reduced rate given to subscribers qualified for reduced rate) and a communication time not related to the communication company used by the calling party (see abstract and columns 6-8 wherein service provider uses higher rate for certain participants not associated with the service providers special service).

Regarding claims 7 and 12-13. Balaz teaches a method of providing an additional service (see additional service is teleconference in title and abstract, col. 6, col. 7 lines 30-37 and col. 8 lines 12-17) to a user of a communication company's communication service, the method comprising providing an additional service (i.e. teleconference service) to the user who receives a call through the communication service of the communication company, in accordance with amount of communication (see column 6 wherein call duration (i.e. amount of communication) is multiplied by per unit time charge (i.e. reduced rate) and if participants do not qualified for reduced rate then multiply call duration (i.e. amount of communication) by regular rate, columns 7-8). In other words, Balaz teaches teleconference (i.e. additional service) provided in accordance with communication time and the amount of communication. See column 6

Art Unit: 2643

wherein call duration (i.e. amount of communication) is multiplied by reduced rate and columns 7-8 reveal that if participants not qualified for reduced rate are charged based on length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

Regarding claim 8. Balaz teaches additional service is reduced rate (i.e. discount), the discount calculated in accordance with amount of communication (see column 6 wherein the amount of communication is multiplied by reduced rate).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-10 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balaz (6,427,008) in view of Fitser et al (5,631,904 hereinafter Fitser) or Rosenthal et al (5,953,400 hereinafter Rosenthal) both cited on the Balaz patent.

Regarding claims 9-10. Balaz does not elaborate on informing or sending participants of teleconference a notification or informing signal.

However, it is well known in the art of teleconferencing to inform or send participants notice of teleconference. If not, Fitser was found on the Balaz patent and discloses causing voice-processing equipment to generate and deliver a message to the called participants indicating that the subscriber will pay for the call (col. 6 lines 46-56). Fitser conversely shows using voice processing equipment when each participant is expected to pay a share of the cost to inform the participant of this fact and give

participants an opportunity to accept or deny the charges (col. 6 lines 56-65).

Rosenthal was also cited on the Balaz patent and discloses using voice announcement, alert signal or other signal to inform participants of a conference call (col. 6 lines 28-55).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time of invention to modify the invention as taught by Balaz to use informing means as taught by Fitser or Rosenthal for the benefit of notifying participants that teleconference is about to begin and if participants are not subscribers to reduced rate as taught by Balaz then notify participants that they will be charged for joining the teleconference.

Regarding claims 20-21. Balaz teaches teleconference (i.e. additional service) provided in accordance with communication time and the amount of communication. See column 6 wherein call duration (i.e. amount of communication) is multiplied by reduced rate and columns 7-8 reveal that if participants not qualified for reduced rate are charged based on length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

3. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balaz (6,427,008) in view of McFarland et al (5,408,526 hereinafter McFarland) cited on the Balaz patent.

Regarding claims 15-16. Balaz does not show first switch serving called party owned by first company, second switch serving calling party and owned by second company and a third switch providing at least one additional service. In other words, Balaz does not show least cost routing for teleconference.

McFarland teaches least cost routing for teleconference (abstract, columns 1-2, col. 9 lines 48-51).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Balaz to use least cost route as taught by McFarland for the benefit of taking into account the paths/routes at desired times for conference, available bandwidth and quality of service for the conference enabling for the most cost effective means to be selected when initiating the teleconference.

Regarding claim 17. Balaz provides predetermined number to be used whereby the subscriber calls the predetermined number to access the setting up of teleconference (col. 4).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600